



House of Representatives

File No. 811

General Assembly

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(Reprint of File No. 534)

Substitute House Bill No. 6676
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2003

AN ACT CONCERNING PUBLIC HEALTH EMERGENCY RESPONSE AUTHORITY.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) As used in sections 1 to 10,
2 inclusive, of this act, and section 19a-221 of the general statutes, as
3 amended by this act:

4 (1) "Animal" means all vertebrate and invertebrate species;

5 (2) "Bioterrorism" means the intentional use of any microorganism,
6 virus, infectious substance or biological product that may be
7 engineered as a result of biotechnology, or any naturally occurring or
8 bioengineered component of any such microorganism, virus, infectious
9 substance, or biological product, to cause death, disease or other
10 biological malfunction in a human, animal, plant or another living
11 organism in order to influence the conduct of government or to harm,
12 intimidate or coerce a civilian population;

13 (3) "Commissioner" means Commissioner of Public Health;

14 (4) "Communicable disease" means a disease or condition, the
15 infectious agent of which may pass or be carried, directly or indirectly,
16 from the body of one person or animal to the body of another person
17 or animal;

18 (5) "Contaminated" or "contamination" means contaminated or
19 contamination by a biological toxin or a chemical, radioactive or any
20 other substance sufficient to pose a substantial risk of death, disability,
21 injury or harm to other persons;

22 (6) "Isolation" means the physical separation and confinement of an
23 individual, group of individuals or individuals present within a
24 geographic area who are infected with a communicable disease or are
25 contaminated, or whom the commissioner reasonably believes to be
26 infected with a communicable disease or to be contaminated, in order
27 to prevent or limit the transmission of the disease to the general public;

28 (7) "Public health authority" means a person or entity authorized to
29 respond to a public health emergency in accordance with the plan for
30 emergency responses to a public health emergency prepared in
31 accordance with section 8 of this act, including, but not limited to,
32 licensed health care providers or local and district health directors;

33 (8) "Public health emergency" means an occurrence or imminent
34 threat of a communicable disease, except sexually transmitted disease,
35 or contamination caused or believed to be caused by bioterrorism, an
36 epidemic or pandemic disease, a natural disaster, a chemical attack or
37 accidental release or a nuclear attack or accident that poses a
38 substantial risk of a significant number of human fatalities or incidents
39 of permanent or long-term disability;

40 (9) "Quarantine" means the physical separation and confinement of
41 an individual, group of individuals or individuals present within a
42 geographic area who are exposed to a communicable disease or are
43 contaminated, or whom the commissioner reasonably believes have
44 been exposed to a communicable disease or to be contaminated or
45 have been exposed to others who have been exposed to a

46 communicable disease or contamination, to prevent transmission to
47 the general public;

48 (10) "Respondent" means an individual ordered isolated or
49 quarantined under section 19a-221 of the general statutes, as amended
50 by this act, or section 3 of this act.

51 Sec. 2. (NEW) (*Effective from passage*) (a) In the event of a state-wide
52 or regional public health emergency, the Governor shall make a good
53 faith effort to inform the legislative leaders specified in subsection (b)
54 of this section before declaring that the emergency exists and may do
55 any of the following: (1) Order the commissioner to implement all or a
56 portion of the public health emergency response plan developed
57 pursuant to section 8 of this act; (2) authorize the commissioner to
58 isolate or quarantine persons in accordance with section 3 of this act;
59 (3) order the commissioner to vaccinate persons in accordance with
60 section 6 of this act; or (4) apply for and receive federal assistance.

61 (b) (1) Any declaration issued pursuant to this section shall become
62 effective upon its filing with the Secretary of the State and with the
63 clerks of the House of Representatives and Senate. The declaration
64 shall state the nature of the public health emergency, the political
65 subdivisions or geographic area subject to the declaration, the
66 conditions that have brought about the public health emergency, the
67 duration of the public health emergency and the public health
68 authority responding to the emergency. Any such declaration issued
69 by the Governor may be disapproved and nullified by majority vote of
70 a committee consisting of the president pro tempore of the Senate, the
71 speaker of the House of Representatives, the majority and minority
72 leaders of both houses of the General Assembly and the cochairpersons
73 and ranking members of the joint standing committee of the General
74 Assembly having cognizance of matters relating to public health. Such
75 disapproval shall not be effective unless filed with the Secretary of the
76 State not later than seventy-two hours after the filing of the Governor's
77 declaration with the Secretary of the State.

78 (2) Any declaration issued pursuant to this section may be renewed
79 by the Governor upon its filing with the Secretary of the State and with
80 the clerks of the House of Representatives and Senate. The renewal
81 declaration shall state the nature of the continuing public health
82 emergency, the political subdivisions or geographic area subject to the
83 renewal, the conditions that have brought about the renewal
84 declaration, the duration of the renewal declaration and the public
85 health authority responding to the public health emergency. Any such
86 renewal declaration issued by the Governor may be disapproved and
87 nullified by majority vote of a committee consisting of the legislative
88 leaders specified in subsection (b) of this section. Such disapproval
89 shall not be effective unless filed with the Secretary of the State not
90 later than seventy-two hours after the filing of the Governor's renewal
91 declaration with the Secretary of the State.

92 (3) The Governor shall declare a public health emergency to be
93 terminated before the duration stated in the declaration, upon a
94 finding, after informing the legislative leaders specified in subsection
95 (b) of this section, that the circumstances that caused such emergency
96 to be declared no longer pose a substantial risk of a significant number
97 of human fatalities or incidents of permanent or long-term disability.

98 (c) The Governor shall ensure that any declaration or order issued
99 pursuant to the provisions of this section shall be (1) published in full
100 at least once in a newspaper having general circulation in each county,
101 (2) provided to news media, and (3) posted on the state Internet web
102 site. Failure to take the actions specified in subdivisions (1) to (3),
103 inclusive, of this subsection shall not impair the validity of such
104 declaration or order.

105 (d) Any individual who, during the course of a public health
106 emergency declared under this section, violates the provisions of any
107 order issued pursuant to sections 1 to 10, inclusive, of this act, or who
108 intentionally obstructs, resists, hinders or endangers any person who is
109 authorized to carry out, and who is engaged in an activity that carries
110 out, any of the provisions of the order shall be fined not more than one

111 thousand dollars or imprisoned not more than one year, or both, for
112 each offense.

113 (e) The commissioner may request the Attorney General to apply to
114 the Superior Court for an order enforcing the provisions of any order
115 issued by the commissioner pursuant to sections 1 to 10, inclusive, of
116 this act, and such other equitable relief as the court deems appropriate.

117 (f) The commissioner may delegate to an employee of the
118 Department of Public Health or any local health director, as much of
119 the authority of the commissioner described in this section as the
120 commissioner determines appropriate. Such authorized employee or
121 director shall act as an agent of the commissioner.

122 Sec. 3. (NEW) (*Effective from passage*) (a) Notwithstanding the
123 provisions of section 19a-221 of the general statutes, as amended by
124 this act, or 19a-265 of the general statutes, if the Governor has declared
125 a public health emergency, the commissioner, if so authorized by the
126 Governor pursuant to section 2 of this act, may order into quarantine
127 or isolation, as appropriate, any individual, group of individuals or
128 individuals present within a geographic area whom the commissioner
129 has reasonable grounds to believe to be infected with, or exposed to, a
130 communicable disease or to be contaminated or exposed to
131 contamination or at reasonable risk of having a communicable disease
132 or being contaminated or passing such communicable disease or
133 contamination to other persons if the commissioner determines that
134 such individual or individuals pose a significant threat to the public
135 health and that quarantine or isolation is necessary and the least
136 restrictive alternative to protect or preserve the public health. No
137 individual or group of individuals or individuals present in a
138 geographic area shall be quarantined or isolated unless they meet the
139 conditions in this subsection.

140 (b) The commissioner shall adhere to the following conditions and
141 principles when quarantining or isolating individuals, groups of
142 individuals or individuals present within a geographic area: (1)

143 Quarantine and isolation shall be by the least restrictive means
144 necessary to prevent the spread of a communicable disease or
145 contamination to others and may include, but not be limited to,
146 confinement to private homes or other private or public premises; (2)
147 quarantined individuals shall be confined separately from isolated
148 individuals; (3) the health status of quarantined or isolated individuals
149 shall be monitored frequently to determine if they continue to require
150 quarantine or isolation; (4) if a quarantined individual subsequently
151 becomes infected or contaminated or is reasonably believed to have
152 become infected with a communicable disease or contaminated, such
153 individual shall be promptly moved to isolation; (5) quarantined or
154 isolated individuals shall be immediately released when they are no
155 longer infectious or capable of contaminating others or upon the order
156 of a court of competent jurisdiction; (6) the needs of individuals
157 quarantined or isolated shall be addressed in a systematic and
158 competent fashion, including, but not limited to, providing adequate
159 food, clothing, shelter, means of communication with those in
160 quarantine or isolation and outside those settings, medication and
161 competent medical care; (7) premises used for quarantine and isolation
162 shall be maintained in a safe and hygienic manner and be designed to
163 minimize the likelihood of further transmission of infection or other
164 harms to individuals quarantined or isolated; (8) to the extent possible
165 without jeopardizing the public health, family members and members
166 of a household shall be kept together, and guardians shall stay with
167 their minor wards; and (9) to the extent possible, cultural and religious
168 beliefs shall be considered in addressing the needs of individuals and
169 establishing and maintaining premises used for quarantine and
170 isolation.

171 (c) An order to quarantine or isolate issued by the commissioner
172 shall be in writing and shall include: (1) The name of any individual,
173 group of individuals or individuals present within a geographic area
174 to be quarantined or isolated, or the geographic area where such
175 communicable disease is present or contamination exists; (2) the basis
176 for the commissioner's belief regarding the presence of a

177 communicable disease or that contamination exists within the
178 geographical area; (3) the period of time during which the order shall
179 remain effective; (4) the premises subject to quarantine or isolation,
180 that may include, but need not be limited to, private homes or other
181 private or public premises; and (5) other terms and conditions as may
182 be necessary to protect and preserve the public health. In determining
183 the length of such order, the commissioner shall consider, to the extent
184 known, the length of incubation of the communicable disease or
185 contamination, the date of the individual's exposure and the
186 individual's medical risk of exposing others to such communicable
187 disease or contamination. The order shall be effective for not more
188 than twenty days, provided further orders of quarantine or isolation
189 meeting the requirements of this section may be issued as to any
190 respondent for successive periods of not more than twenty days if
191 issued before the last business day of the preceding period of
192 quarantine or isolation.

193 (d) Such order shall also inform the individuals quarantined or
194 isolated that they have the right to consult an attorney, the right to a
195 hearing pursuant to this section, clear instructions on how to request a
196 hearing, and that if such a hearing is requested, such individual has
197 the right to be represented by counsel, that counsel will be provided at
198 the state's expense if such individual is unable to pay for such counsel,
199 and that if such a hearing is requested, court fees shall be waived. A
200 copy of the order shall be provided to each individual quarantined or
201 isolated or notice of the order shall be provided by a means likely to
202 reach those affected.

203 (e) Any individual subject to a quarantine or isolation order under
204 this section shall be confined in a place designated by the
205 commissioner until such time as the commissioner determines such
206 individual is no longer infectious or capable of contaminating others,
207 or is released by order of a court of competent jurisdiction for the
208 district in which such individual is isolated or quarantined. Any
209 individual who desires treatment by prayer or spiritual means without
210 the use of any drugs or material remedies, but through the use of the

211 principles, tenets or teachings of any church incorporated under
212 chapter 598 of the general statutes, or any other religious or spiritual
213 practice, may be so treated during such individual's quarantine or
214 isolation.

215 (f) An individual subject to a quarantine or isolation order under
216 this section may appeal such order to the Probate Court for the district
217 in which such person is quarantined or isolated and, if such individual
218 or such individual's representative asks the court, in writing,
219 including, but not limited to, by means of first class mail, facsimile
220 machine or the Internet, for a hearing, notwithstanding the form of
221 such request, the court shall hold a hearing not later than seventy-two
222 hours after receipt of such request, excluding Saturdays, Sundays and
223 legal holidays. The court may extend the time for a hearing based on
224 extraordinary circumstances. Court fees for such hearing shall be paid
225 from funds appropriated to the Judicial Department, but if funds have
226 not been included in the budget of the Judicial Department for such
227 purpose, such fees shall be waived by the court. If such individual
228 cannot appear personally before the court, a hearing shall be
229 conducted only if his or her representative is present. The
230 commissioner shall be a party to the proceedings. Such hearing may be
231 held via any means that allows all parties to fully participate in the
232 event an individual may infect or contaminate others. A request for a
233 hearing shall not stay the order of quarantine or isolation issued by the
234 commissioner under this section. The hearing shall concern, but need
235 not be limited to, a determination of whether (1) the individual
236 ordered confined is infected with a communicable disease or is
237 contaminated or has a reasonable risk of having a communicable
238 disease or having been contaminated or passing a communicable
239 disease or contamination to other individuals, (2) the individual poses
240 a reasonable threat to the public health, and (3) the quarantine or
241 isolation of the individual is necessary and the least restrictive
242 alternative to prevent the spread of a communicable disease or
243 contamination to others in order to protect and preserve the public
244 health.

245 (g) Notice of the hearing shall be given to the respondent and shall
246 inform the respondent that his or her representative has a right to be
247 present at the hearing; that the respondent has a right to counsel; that
248 the respondent, if indigent or otherwise unable to pay for or obtain
249 counsel, has a right to have counsel appointed to represent the
250 respondent; and that the respondent has a right to cross-examine
251 witnesses testifying at the hearing. If the court finds such respondent is
252 indigent or otherwise unable to pay for or obtain counsel, the court
253 shall appoint counsel for such respondent, unless such respondent
254 refuses counsel and the court finds that the respondent understands
255 the nature of his or her refusal. The court shall provide such
256 respondent a reasonable opportunity to select such respondent's own
257 counsel to be appointed by the court. If the respondent does not select
258 counsel or if counsel selected by the respondent refuses to represent
259 the respondent or is not available for such representation, the court
260 shall appoint counsel for the respondent from a panel of attorneys
261 admitted to practice in this state provided by the Probate Court
262 Administrator. If the order of quarantine or isolation applies to
263 individuals present in a described geographic area, the court may
264 appoint one or more attorneys to represent all the individuals present
265 in the described geographic area where there is a commonality of
266 interests of such individuals, except that an individual may choose to
267 be represented by his or her own attorney on an individual basis. The
268 reasonable compensation of appointed counsel shall be established by,
269 and paid from funds appropriated to, the Judicial Department, but, if
270 funds have not been included in the budget of the Judicial Department
271 for such purposes, such compensation shall be established by the
272 Probate Court Administrator and paid from the Probate Court
273 Administration Fund.

274 (h) Prior to such hearing, the Probate Court, such respondent or
275 such respondent's counsel and the commissioner shall be afforded
276 access to all records including, but not limited to, hospital records if
277 such respondent is hospitalized, and shall be entitled to take notes
278 therefrom. If such respondent is hospitalized at the time of the hearing,

279 the hospital, upon order of the Probate Court, shall make available at
280 such hearing for use by the respondent or his or her counsel all records
281 in its possession relating to the condition of the respondent. All records
282 relating to the condition of the respondent shall be admissible at the
283 request of any party or the Probate Court at the hearing. Nothing in
284 this subsection shall prevent timely objection to the admissibility of
285 evidence in accordance with the rules of civil procedure.

286 (i) The court shall cause a recording of the testimony at such hearing
287 to be made, to be transcribed only in the event of an appeal from the
288 order rendered. A copy of such transcript shall be furnished without
289 charge to any appellant whom the Probate Court finds unable to pay
290 for the same. The cost of such transcript shall be paid from the funds
291 appropriated by the Judicial Department, but, if funds have not been
292 included in the budget of the Judicial Department for such purposes,
293 the cost of such transcription shall be established by the Probate Court
294 Administrator and paid from the Probate Court Administration Fund.

295 (j) At such hearing, the commissioner shall have the burden of
296 showing, by a preponderance of the evidence, that the conditions of
297 this subsection are met. If the court, at such hearing, finds that the
298 respondent is infected with a communicable disease or is
299 contaminated, or is reasonably believed to have been exposed to a
300 communicable disease or to contamination, or is at reasonable risk of
301 having a communicable disease or having been contaminated and
302 poses a reasonable threat to the public health and that quarantine or
303 isolation of the respondent is necessary and the least restrictive
304 alternative to protect and preserve the public health, it shall order (1)
305 the continued quarantine or isolation of the respondent under such
306 terms and conditions as the court deems necessary to prevent the
307 exposure of others to a communicable disease or contamination, until
308 such time as it is determined by the commissioner that release of the
309 respondent would not constitute a reasonable threat to the public
310 health, or (2) the release of the respondent under such terms and
311 conditions as it deems appropriate to protect the public health.

312 (k) If the court, at such hearing, fails to find that the conditions
313 required for an order for quarantine or isolation under subsection (a)
314 of this section have been proven, it shall order the immediate release of
315 the respondent.

316 (l) A respondent may, not more than every thirty days, move the
317 court to terminate or modify an order made under subsection (j) of this
318 section, in which case a hearing shall be held in accordance with this
319 section. If the court, at a hearing held upon motion of the respondent
320 or its own motion, fails to find that the conditions which required
321 quarantine or isolation still exist, it shall order the immediate release of
322 the respondent. If the court finds that such conditions still exist but
323 that a different remedy is appropriate under this section, the court
324 shall modify its order accordingly.

325 (m) Any person aggrieved by an order of the Probate Court under
326 this section may appeal to the Superior Court. The appeal shall be
327 confined to the record, which shall consist of the transcript of the
328 hearing and all evidence received or considered by the Probate Court.

329 Sec. 4. (NEW) (*Effective from passage*) Notwithstanding the provisions
330 of section 19a-220 of the general statutes, as amended by this act, in the
331 event of a public health emergency declared by the Governor under
332 section 2 of this act, if any individual refuses to obey an order of
333 quarantine or isolation issued by the commissioner pursuant to section
334 3 of this act, the commissioner may direct any law enforcement officer
335 to immediately take such individual into custody and place him or her
336 into quarantine or isolation, as the case may be. The commissioner
337 shall notify the law enforcement officer or other personnel concerning
338 any necessary infection control procedures required.

339 Sec. 5. (NEW) (*Effective from passage*) Entry into quarantine or
340 isolation premises shall be limited to authorized individuals. The
341 authorized individuals shall be determined by the commissioner, and
342 shall include, but need not be limited to, any physician licensed under
343 chapter 370 of the general statutes, other licensed, certified or

344 registered health care providers or other individuals, including family
345 or household members, the commissioner deems necessary to meet the
346 needs of quarantined or isolated individuals.

347 Sec. 6. (NEW) (*Effective from passage*) (a) In the event of a public
348 health emergency declared by the Governor under section 2 of this act,
349 the commissioner, as authorized by the Governor pursuant to section 2
350 of this act, may issue an order for the vaccination of such individuals
351 or individuals present within a geographic area as the commissioner
352 deems reasonable and necessary in order to prevent the introduction
353 or arrest the progress of the communicable disease or contamination
354 that caused the declaration of such public health emergency. The
355 commissioner shall inform individuals subject to such vaccination
356 order of the benefits and risks of the vaccine and an individual's option
357 to refuse to be vaccinated for any reason, including, but not limited to,
358 health, religious or conscientious objections. No individual shall be
359 vaccinated unless such individual or, if such individual is a minor,
360 such individual's parent or guardian has provided written consent for
361 such vaccination.

362 (b) The commissioner may issue an order pursuant to section 3 of
363 this act to quarantine or isolate, as the case may be, any individual or
364 group of individuals who is unable or unwilling for any reason,
365 including, but not limited to, health, religion or conscience to undergo
366 vaccination pursuant to this section. A parent or legal guardian may
367 refuse such vaccination on behalf of a minor in the case where an order
368 of vaccination requires a minor to be vaccinated. For purposes of this
369 subsection, a minor is any person under the age of eighteen. Refusal of
370 such vaccination shall not be grounds for quarantine or isolation
371 without a reasonable belief that the individual or group of individuals
372 is infected with a communicable disease or is contaminated, or may be
373 exposed to a communicable disease or contamination, or may have
374 been exposed to a communicable disease or to contamination, or is at
375 reasonable risk of having a communicable disease or having been
376 contaminated, and poses a reasonable threat to the public health.

377 (c) Any individual subject to vaccination pursuant to this section
378 may appeal to the Probate Court for the district in which such
379 individual has been ordered vaccinated, and, if such individual or such
380 individual's representative asks the court, in writing, including, but
381 not limited to, by means of first class mail, facsimile machine or the
382 Internet, for a hearing, notwithstanding the form of such request, the
383 court shall hold a hearing not later than seventy-two hours after
384 receipt of such request, excluding Saturdays, Sundays and legal
385 holidays. Such request shall be received by the Probate Court not later
386 than forty-eight hours after the individual receives the order. The
387 commissioner may make application to the court to extend the time for
388 a hearing based on extraordinary circumstances. Court fees for such
389 hearing shall be paid from funds appropriated to the Judicial
390 Department, but if funds have not been included in the budget of the
391 Judicial Department for such purpose, such fees shall be waived by the
392 court. In considering whether to grant such extension, the court shall
393 give due regard to the rights of affected individuals, the protection of
394 the public's health, the severity of the need and available witnesses
395 and evidence. If such individual cannot appear personally before the
396 court, a hearing shall be conducted only if his or her representative is
397 present. The commissioner shall be a party to the proceedings. The
398 hearing may be held via any means that allow all parties to fully
399 participate in the event an individual may infect or contaminate others.

400 (d) Notice of the hearing shall be given to the respondent and shall
401 inform the respondent that such respondent or his or her
402 representative has a right to be present at the hearing; that the
403 respondent has a right to counsel; that the respondent has the right to
404 present testimony from a licensed practitioner of the healing arts, as
405 defined in section 20-1 of the general statutes; that court fees shall be
406 waived; that the respondent, if indigent or otherwise unable to pay for
407 or obtain counsel, has a right to have counsel appointed to represent
408 the respondent; and that the respondent has a right to cross-examine
409 witnesses testifying at the hearing. If the court finds such respondent is
410 indigent or otherwise unable to pay for or obtain counsel, the court

411 shall appoint counsel for such respondent, unless such respondent
412 refuses counsel and the court finds that the respondent understands
413 the nature of his or her refusal. The court shall provide such
414 respondent a reasonable opportunity to select such respondent's own
415 counsel to be appointed by the court. If the respondent does not select
416 counsel or if counsel selected by the respondent refuses to represent
417 such respondent or is not available for such representation, the court
418 shall appoint counsel for the respondent from a panel of attorneys
419 admitted to practice in this state provided by the Probate Court
420 Administrator. If the order of vaccination applies to individuals
421 present in a described geographic area, the court may appoint one or
422 more attorneys to represent all the individuals present within the
423 described geographic area where there is a commonality of interests of
424 such individuals, except that an individual may choose to be
425 represented by his or her own attorney on an individual basis. The
426 reasonable compensation of appointed counsel shall be established by,
427 and paid from funds appropriated to, the Judicial Department, but, if
428 funds have not been included in the budget of the Judicial Department
429 for such purposes, such compensation shall be established by the
430 Probate Court Administrator and paid from the Probate Court
431 Administration Fund.

432 (e) Prior to such hearing, the Probate Court, such respondent or
433 such respondent's counsel or the commissioner shall be afforded access
434 to all records including, but not limited to, hospital records if such
435 respondent is hospitalized, and shall be entitled to take notes
436 therefrom. If such respondent is hospitalized at the time of the hearing,
437 the hospital, upon order of the Probate Court, shall make available at
438 such hearing for use by the respondent or his or her counsel all records
439 in its possession relating to the condition of the respondent. All records
440 relating to the condition of the respondent shall be admissible at the
441 request of any party or the Probate Court at the hearing. Nothing in
442 this subsection shall prevent timely objection to the admissibility of
443 evidence in accordance with the rules of civil procedure.

444 (f) The court shall cause a recording of the testimony at such hearing

445 to be made, to be transcribed only in the event of an appeal from the
446 order rendered. A copy of such transcript shall be furnished without
447 charge to any appellant whom the Probate Court finds unable to pay
448 for the same. The cost of such transcript shall be paid from the funds
449 appropriated by the Judicial Department, but, if funds have not been
450 included in the budget of the Judicial Department for such purposes,
451 the cost of such transcription shall be established by the Probate Court
452 Administrator and paid from the Probate Court Administration Fund.

453 (g) At such hearing, the commissioner shall have the burden of
454 showing, by a preponderance of the evidence, that the conditions of
455 subsection (a) of this section are met. If the court, at such hearing, finds
456 that vaccination of the respondent is necessary and the least restrictive
457 alternative to protect and preserve the public health, the court shall
458 order the respondent to undergo vaccination, provided the court may
459 order the isolation or quarantine of any respondent who is unable or
460 unwilling for reasons of health, religion or conscience to undergo
461 vaccination, for a period of time sufficient to ensure such respondent is
462 not able to infect or contaminate others.

463 (h) If the court, at such hearing, fails to find that the conditions
464 required for an order for vaccination under subsection (a) of this
465 section have been proven, it shall vacate the order of vaccination.

466 (i) Any person aggrieved by an order of the Probate Court under
467 this section may appeal to the Superior Court. The appeal shall be
468 confined to the record, which shall consist of the transcript of the
469 hearing and all evidence received or considered by the Probate Court.

470 Sec. 7. (NEW) (*Effective from passage*) Notwithstanding any provision
471 of the general statutes, if the Governor has declared a public health
472 emergency pursuant to section 2 of this act, the Commissioner of
473 Public Health may authorize any qualified person, including, but not
474 limited to, any person licensed under chapter 379, 384 or 384d of the
475 general statutes, to administer vaccinations, if the commissioner
476 determines that such action is necessary to protect the health, safety

477 and welfare of the public. Such authorization shall be in writing, and
478 shall contain the categories of qualified persons included in the
479 authorization, any additional training required before performance of
480 the vaccination by such persons and the duration of the authorization.

481 Sec. 8. (NEW) (*Effective from passage*) The Commissioner of Public
482 Health shall establish a Public Health Preparedness Advisory
483 Committee. The advisory committee shall consist of the Commissioner
484 of Public Health, the president pro tempore of the Senate, the speaker
485 of the House of Representatives, the majority and minority leaders of
486 both houses of the General Assembly and the chairpersons and
487 ranking members of the joint standing committees of the General
488 Assembly having cognizance of matters relating to public health,
489 public safety and the judiciary, the director of the Office of Emergency
490 Management, and representatives of town, city, borough and district
491 directors of health, as appointed by the commissioner, and any other
492 organization or persons that the commissioner deems relevant to the
493 issues of public health preparedness. The Public Health Preparedness
494 Advisory Committee shall develop the plan for emergency responses
495 to a public health emergency. Such plan may include an emergency
496 notification service. Not later than January 1, 2004, and annually
497 thereafter, the committee shall submit a report, in accordance with
498 section 11-4a of the general statutes, to the Governor and the joint
499 standing committees of the General Assembly having cognizance of
500 matters relating to public health and public safety, on the status of a
501 public health emergency plan and the resources needed for
502 implementation of such plan.

503 Sec. 9. (NEW) (*Effective from passage*) If the Governor declares a
504 public health emergency, the commissioner, in consultation with the
505 Chief Medical Examiner, may designate authorized personnel to
506 register death certificates as needed and carry out other duties related
507 to the registration of deaths, including, but not limited to, the issuance
508 of burial transit, removal and cremation permits.

509 Sec. 10. (NEW) (*Effective from passage*) The provisions of sections 4-

510 165 and 5-141d of the general statutes shall apply to any person acting
511 on behalf of the state, within the scope of such person's practice or
512 profession, and pursuant to sections 1 to 9, inclusive, of this act. The
513 provisions of this section shall not apply if a vaccination has been
514 administered without consent.

515 Sec. 11. (NEW) (*Effective from passage*) The commissioner may issue
516 an order to temporarily suspend, for a period not to exceed sixty
517 consecutive days, the requirements for licensure, certification or
518 registration, pursuant to chapters 368d, 370, 376, 378, 378a, 381a, 383 to
519 383c, inclusive, 384d, 385, 395, 400a and 400j of the general statutes, to
520 allow persons who are appropriately licensed, certified or registered in
521 another state or territory of the United States or the District of
522 Columbia, to render temporary assistance within the scope of the
523 profession for which a person is licensed, certified or registered, in
524 managing a public health emergency in this state, declared by the
525 Governor pursuant to section 2 of this act. Nothing in this section shall
526 be construed to permit a person to provide services beyond the scope
527 allowed in the chapter specified in this section that pertains to such
528 person's profession.

529 Sec. 12. Section 19a-221 of the general statutes is repealed and the
530 following is substituted in lieu thereof (*Effective from passage*):

531 [(a) For the purposes of this section, (1) "communicable disease"
532 means a disease or condition, the infectious agent of which may pass
533 or be carried, directly or indirectly, from the body of one person or
534 animal to the body of another person or animal; and (2) "respondent"
535 means a person ordered confined under this section.]

536 [(b)] (a) Any town, city, [or] borough or district director of health
537 may order any person [into confinement whom he] isolated or
538 quarantined whom such director has reasonable grounds to believe to
539 be infected with [any] a communicable disease [and any person who
540 intentionally or unintentionally harbors in or on the body amounts of
541 radioactive material sufficient to constitute a radiation hazard to others

542 and who is unable or unwilling to conduct himself in such manner as
543 to not expose other persons to danger of infection or irradiation
544 whenever] or to be contaminated, if such director determines such
545 person poses a substantial threat to the public health and [such action]
546 isolation or quarantine is necessary to protect or preserve the public
547 health, except that in the event the Governor declares a public health
548 emergency, pursuant to section 2 of this act, each town, city, borough
549 and district director of health shall comply with and carry out any
550 order the Commissioner of Public Health issues in furtherance of the
551 Governor's order pursuant to the declaration of the public health
552 emergency.

553 (b) (1) The director shall adhere to the following conditions and
554 principles when isolating or quarantining persons: (A) Isolation and
555 quarantine shall be by the least restrictive means necessary to prevent
556 the spread of a communicable disease or contamination to others and
557 may include, but not be limited to, confinement to private homes or
558 other private or public premises; (B) quarantined persons shall be
559 confined separately from isolated persons; (C) the health status of
560 isolated or quarantined persons shall be monitored frequently to
561 determine if they continue to require isolation or quarantine; (D) if a
562 quarantined person subsequently becomes infected or contaminated or
563 is reasonably believed to have become infected with a communicable
564 disease or contaminated, such person shall be promptly moved to
565 isolation; (E) isolated or quarantined persons shall be immediately
566 released when they are no longer infectious or capable of
567 contaminating others or upon the order of a court of competent
568 jurisdiction; (F) the needs of persons isolated or quarantined shall be
569 addressed in a systematic and competent fashion, including, but not
570 limited to, providing adequate food, clothing, shelter, means of
571 communication with those in isolation or quarantine and outside those
572 settings, medication and competent medical care; (G) premises used
573 for isolation and quarantine shall be maintained in a safe and hygienic
574 manner and be designed to minimize the likelihood of further
575 transmission of infection or other harms to individuals isolated or

576 quarantined; (H) to the extent possible without jeopardizing the public
577 health, family members and members of a household shall be kept
578 together, and guardians shall stay with their minor wards; and (I) to
579 the extent possible, cultural and religious beliefs shall be considered in
580 addressing the needs of persons and establishing and maintaining
581 premises used for quarantine and isolation.

582 [(c)] (2) The order by the director shall be in writing setting forth:
583 [(1)] (A) The name of the person to be [confined] isolated or
584 quarantined, [(2)] (B) the basis for the director's belief that the person
585 has a communicable disease or [harbors radioactive material, that the
586 person] has been contaminated and poses a substantial threat to the
587 public health and that [confinement] isolation or quarantine is
588 necessary to protect or preserve the public health, [(3)] (C) the period
589 of time during which the order shall remain effective, [(4)] (D) the
590 place of [confinement] isolation or quarantine that may include, but
591 need not be limited to, private homes or other private or public
592 premises, as designated by the director, and [(5)] (E) such other terms
593 and conditions as may be necessary to protect and preserve the public
594 health. Such order shall also inform the person [confined that he]
595 isolated or quarantined that such person has the right to consult an
596 attorney, the right to a hearing under this section, and that if such a
597 hearing is requested, he has the right to be represented by counsel, and
598 that counsel will be provided at the state's expense if he is unable to
599 pay for such counsel. A copy of the order shall be given to such
600 person. In determining the duration of the order, the director shall
601 consider, to the extent known, the length of incubation of the
602 communicable disease or contamination, the date of the person's
603 exposure and the person's medical risk of exposing others to such
604 communicable disease or contamination. Within twenty-four hours of
605 the issuance of the order, the director of health shall notify the
606 Commissioner of Public Health that such an order has been issued.
607 The order shall be effective for not more than [fifteen] twenty days,
608 provided further orders of confinement pursuant to this section may
609 be issued as to any respondent for successive periods of not more than

610 [fifteen] twenty days if issued before the last business day of the
611 preceding period of [confinement] isolation or quarantine.

612 [(d)] (c) A person ordered [confinement] isolated or quarantined under
613 this section shall be [confinement] isolated or quarantined in a place
614 designated by the director of health until such time as such director
615 determines such person no longer poses a substantial threat to the
616 public health or is released by order of a [court of competent
617 jurisdiction] Probate Court for the district in which such person is
618 isolated or quarantined. Any person who desires treatment by prayer
619 or spiritual means without the use of any drugs or material remedies,
620 but through the use of the principles, tenets or teachings of any church
621 incorporated under chapter 598, may be so treated during [his
622 confinement] such person's isolation or quarantine in such place.

623 [(e)] (d) A person [confinement] isolated or quarantined under this
624 section shall have the right to a [court] hearing in Probate Court and, if
625 such person or [his] such person's representative requests a hearing in
626 writing, such hearing shall be held [within] not later than seventy-two
627 hours [of] after receipt of such request, excluding Saturdays, Sundays
628 and legal holidays. A request for a hearing shall not stay the order of
629 [confinement] isolation or quarantine issued by the director of health
630 under this section. The hearing shall be held to determine if (1) the
631 person ordered [confinement] isolated or quarantined is infected with a
632 communicable disease or [harbors radioactive material] is
633 contaminated, (2) the person poses a substantial threat to the public
634 health, and (3) [confinement] isolation or quarantine of the person is
635 necessary and the least restrictive alternative to protect and preserve
636 the public health. The [Commissioner of Public Health] commissioner
637 shall have the right to be made a party to the proceedings.

638 [(f)] (e) Jurisdiction shall be vested in the court of probate for the
639 district in which such person resides or is [confinement] isolated or
640 quarantined. The appeal shall be heard by the judge of probate for
641 such district, except that on motion of the respondent for appointment
642 of a three-judge court, the Probate Court Administrator shall appoint a

643 three-judge court from among the several judges of probate to conduct
644 the hearing. Such three-judge court shall consist of at least one judge
645 who is an attorney-at-law admitted to practice in this state. [The judge
646 of the court of probate having jurisdiction under the provisions of this
647 section shall be a member, provided such judge may disqualify himself
648 in which case all three members of such court shall be appointed by
649 the Probate Court Administrator.] Such three-judge court when
650 convened shall be subject to all of the provisions of law as if it were a
651 single-judge court. The [involuntary confinement] isolation or
652 quarantine of a person under this section shall not be ordered by the
653 court without the vote of at least two of the three judges convened
654 hereunder. The judges of such court shall designate a chief judge from
655 among their members. All records for any case before the three-judge
656 court shall be maintained in the court of probate having jurisdiction
657 over the matter as if the three-judge court had not been appointed.

658 [(g)] (f) Notice of the hearing shall be given the respondent and shall
659 inform [him] the respondent that [he or his] his or her representative
660 has a right to be present at the hearing; that [he] the respondent has a
661 right to counsel; that [he] the respondent, if indigent or otherwise
662 unable to pay for or obtain counsel, has a right to have counsel
663 appointed to represent [him] the respondent; and that [he] the
664 respondent has a right to cross-examine witnesses testifying at the
665 hearing. [If the court finds such respondent is indigent or otherwise
666 unable to pay for or obtain counsel, the court shall appoint counsel for
667 him, unless such respondent refuses counsel and the court finds that
668 the respondent understands the nature of his refusal. The court shall
669 provide such respondent a reasonable opportunity to select his own
670 counsel to be appointed by the court. If the respondent does not select
671 counsel or if counsel selected by the respondent refuses to represent
672 him or is not available for such representation, the court shall appoint
673 counsel for the respondent from a panel of attorneys admitted to
674 practice in this state provided by the Probate Court Administrator in
675 accordance with regulations promulgated by the Probate Court
676 Administrator in accordance with section 45a-77. The reasonable

677 compensation of appointed counsel for a person who is indigent or
678 otherwise unable to pay for counsel shall be established by, and paid
679 from funds appropriated to, the Judicial Department.] If the court finds
680 such respondent is indigent or otherwise unable to pay for counsel, the
681 court shall appoint counsel for such respondent, unless such
682 respondent refuses counsel and the court finds that the respondent
683 understands the nature of his or her refusal. The court shall provide
684 such respondent a reasonable opportunity to select his or her own
685 counsel to be appointed by the court. If the respondent does not select
686 counsel or if counsel selected by the respondent refuses to represent
687 such respondent or is not available for such representation, the court
688 shall appoint counsel for the respondent from a panel of attorneys
689 admitted to practice in this state provided by the Probate Court
690 Administrator. The reasonable compensation of appointed counsel
691 shall be established by and paid from funds appropriated to, the
692 Judicial Department, but, if funds have not been included in the
693 budget of the Judicial Department for such purposes, such
694 compensation shall be established by the Probate Court Administrator
695 and paid from the Probate Court Administration Fund.

696 [(h)] (g) Prior to such hearing, such respondent or [his] respondent's
697 counsel shall be afforded access to all records including, without
698 limitation, hospital records if such respondent is hospitalized. If such
699 respondent is hospitalized at the time of the hearing, the hospital shall
700 make available at such hearing for use by the [patient] respondent or
701 [his] the respondent's counsel all records in its possession relating to
702 the condition of the respondent. Nothing [herein] in this subsection
703 shall prevent timely objection to the admissibility of evidence in
704 accordance with the rules of civil procedure.

705 [(i)] (h) At such hearing, the director of health who ordered the
706 [confinement] isolation or quarantine of the respondent shall have the
707 burden of showing by [clear and convincing] a preponderance of the
708 evidence that the respondent is infected with a communicable disease
709 or [harbors radioactive material] is contaminated and poses a
710 substantial threat to the public health and that [confinement] isolation

711 or quarantine of the respondent is necessary and the least restrictive
712 alternative to protect and preserve the public health.

713 [(j)] (i) If the court, [on] at such hearing, finds by [clear and
714 convincing] a preponderance of the evidence that the respondent is
715 infected with a communicable disease or [harbors radioactive material]
716 is contaminated and poses a substantial threat to the public health and
717 that [confinement] isolation or quarantine of the respondent is
718 necessary and the least restrictive alternative to protect and preserve
719 the public health, it shall order (1) the continued [confinement]
720 isolation or quarantine of the respondent under such terms and
721 conditions as it deems appropriate until such time as it is determined
722 that [his] the respondent's release would not constitute a [substantial]
723 reasonable threat to the public health, or (2) the release of the
724 respondent under such terms and conditions as it deems appropriate
725 to protect the public health.

726 [(k)] (j) If the court, [on] at such hearing, fails to find that the
727 conditions required for an order for [confinement] isolation or
728 quarantine have been proven, it shall order the immediate release of
729 the respondent.

730 [(l)] (k) A respondent may, at any time, move the court to terminate
731 or modify an order made under subsection [(j)] (i) of this section, in
732 which case a hearing shall be held in accordance with this section. The
733 court shall annually, upon its own motion, hold a hearing to determine
734 if the conditions which required the [confinement or restriction]
735 isolation or quarantine of the respondent still exist. If the court, at a
736 hearing held upon motion of the respondent or its own motion, fails to
737 find that the conditions which required [confinement or restriction]
738 isolation or quarantine still exist, it shall order the immediate release of
739 the respondent. If the court finds that such conditions still exist but
740 that a different remedy is appropriate under this section, the court
741 shall modify its order accordingly.

742 [(m)] (l) Any person aggrieved by an order of the Probate Court [of

743 Probate] under this section may appeal to the Superior Court.

744 Sec. 13. Subsection (a) of section 28-11 of the general statutes is
745 repealed and the following is substituted in lieu thereof (*Effective from*
746 *passage*):

747 (a) During the existence of a civil preparedness or public health
748 emergency, as defined in section 1 of this act, the Governor may, in the
749 event of shortage or disaster making such action necessary for the
750 protection of the public, take possession (1) of any land or buildings,
751 machinery or equipment; (2) of any horses, vehicles, motor vehicles,
752 aircraft, ships, boats, rolling stock of steam, diesel or electric railroads
753 or any other means of conveyance whatsoever; (3) of any antitoxins,
754 pharmaceutical products, vaccines or other biological products; and (4)
755 of any cattle, poultry or any provisions for [man] persons or beast, and
756 any fuel, gasoline or other means of propulsion necessary or
757 convenient for the use of the military or naval forces of the state or of
758 the United States, or for the better protection of the welfare of the state
759 or its inhabitants according to the purposes of this chapter.

760 Sec. 14. Subsection (c) of section 45a-82 of the general statutes is
761 repealed and the following is substituted in lieu thereof (*Effective from*
762 *passage*):

763 (c) All payments from said fund authorized by sections 5-259, 17a-
764 77, 17a-274, 17a-498, 17a-510, 19a-221, section 3 of this act, section 6 of
765 this act, 45a-1 to 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to
766 45a-56, inclusive, sections 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83,
767 inclusive, 45a-90 to 45a-94, inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to
768 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-152, 45a-175
769 to 45a-180, inclusive, 45a-199 and 45a-202, shall be made upon
770 vouchers approved by the Probate Court Administrator.

771 Sec. 15. (NEW) (*Effective from passage*) (a) For purposes of this
772 section:

773 (1) "Child day care service" means a child day care center, group

774 day care home or family day care home, as defined in section 19a-77 of
775 the general statutes, and licensed pursuant to section 19a-80 or 19a-
776 87b of the general statutes;

777 (2) "Public health emergency" means a public health emergency, as
778 defined in section 1 of this act;

779 (3) "Commissioner" means the Commissioner of Public Health;

780 (4) "Nursing home facility" means any nursing home, as defined in
781 section 19a-521 of the general statutes, but shall not include residential
782 care homes; and

783 (5) "Youth camp" means any facility licensed pursuant to chapter
784 368r of the general statutes.

785 (b) Notwithstanding any provision of the general statutes, during a
786 public health emergency, the commissioner may authorize any nursing
787 home facility, child day care service or youth camp to provide
788 potassium iodide to residents, staff members, minors or other persons
789 present in such facility, day care service or camp, provided (1) prior
790 written permission has been obtained for such provision from each
791 resident or representative of a resident, staff member, or parent or
792 guardian of a minor, and (2) each such person providing permission
793 has been advised, in writing (A) that the ingestion of potassium iodide
794 is voluntary only, (B) about the contraindications of taking potassium
795 iodide, and (C) about the potential side effects of taking potassium
796 iodide.

797 (c) The commissioner shall adopt regulations, in accordance with
798 the provisions of chapter 54 of the general statutes, to establish criteria
799 and procedures for obtaining the required written permission, and for
800 the storage and distribution of potassium iodide to residents, staff
801 members, minors or other persons present in such facility, day care
802 service or camp.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>
Sec. 8	<i>from passage</i>
Sec. 9	<i>from passage</i>
Sec. 10	<i>from passage</i>
Sec. 11	<i>from passage</i>
Sec. 12	<i>from passage</i>
Sec. 13	<i>from passage</i>
Sec. 14	<i>from passage</i>
Sec. 15	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Various Agencies	General Fund	See Below	See Below
Probate Court	Probate Court Administration Fund	See Below	See Below
Office of Legislative Management	General Fund - Cost	Minimal	Minimal

Municipal Impact:

Municipalities	Effect	FY 04 \$	FY 05 \$
All Municipalities	STATE MANDATE	See Below	See Below

Explanation

The bill itemizes the responsibilities of selected state agencies and officials when a public health emergency has been declared by the governor and expands the authority of the state and local directors of health to confine persons and order vaccinations. It also requires the Department of Public Health to plan for an emergency response to a public health emergency. Fiscal impacts are as follows:

DECLARATION OF PUBLIC HEALTH EMERGENCY

The bill confers various duties upon the Governor, the Department of Public Health (DPH), the Secretary of the State, the Attorney General, certain members of the General Assembly, the Superior Court, probate courts, local directors of health and law enforcement officials that are contingent upon a declaration by the governor of a public health emergency. Any resulting state or local costs would be

triggered by situations warranting such a declaration and would vary directly with the severity and scope of the health emergency, which cannot be predicted in advance.

The bill's enactment may facilitate public health control efforts related to imminent threats of communicable diseases or contamination. To the extent that these efforts are successful in mitigating the impact of these emergency situations, a potential significant future state and local cost savings may result under various health care and/or emergency management programs.

A potential minimal revenue gain would result for the state to the extent that fines of up to \$1,000 are imposed upon persons violating provisions of a public health emergency order or intentionally interfering with an authorized person who is carrying out any provision of a public health emergency order.

The Department of Public Health will be able to adopt regulations regarding the distribution of potassium iodide by nursing homes, child day care services or youth camps during a public health emergency without requiring additional resources.

Legislative Review of Governor's Declaration

The bill permits a ten member legislative committee to review and disapprove the governor's declaration within seventy-two hours of it being filed. It is anticipated that the Office of Legislative Management may incur minimal costs for legislator mileage reimbursement.

PLAN FOR PUBLIC HEALTH EMERGENCY RESPONSES

The Commissioner of Public Health is charged with establishing a Public Health Preparedness Advisory Committee, which will be responsible for the development of a plan for emergency responses to a public health emergency. The initial plan will be due no later than January 1, 2004, with an annual reporting requirement in future years. Eighteen members of the General Assembly are appointed to serve on

the Advisory Committee. The Office of Legislative Management will incur a minimal for additional legislator mileage reimbursement. Local directors of health and the Office of Emergency Management under the Department of Public Safety will be able to participate to the extent that their respective resources allow.

AUTHORITY TO QUARANTINE/ISOLATE AND VACCINATE

The bill authorizes the commissioner of public health to quarantine or isolate persons in cases of a public health emergency, and expands the authority of local health directors do so.

Probate Court

Any party who is the subject of the commissioner's or a local health director's order may request a hearing before the probate court to contest it. The bill requires the court to hold a hearing within 72 hours after receiving a written request from the person (excluding weekends and holidays) and to provide legal counsel to the person if they are unable to pay.

Any resulting workload increase to probate courts is expected to be minimal. The probate court is a non-General Fund agency that is funded through fees and assessments on court business. Additional revenues may be generated, as the court for the district in which the party resides would be eligible to collect a \$150 application fee. It is uncertain which party, the local health department or the person challenging the order, would be responsible for paying this court fee.

In addition, the bill permits payment from the Probate Court Administration Fund (PCAF) for those parties determined to be indigent. Passage of this portion of the bill would result in costs to the fund. Because the number of potential hearings is unknown at this time, the related costs are also unknown. In FY 02, costs related to indigent persons utilizing the probate court system were \$560,712. This includes attorney costs, which are paid at a rate of \$30 - \$50 per hour.

Judicial Department

The Judicial Department would pay the cost of counsel for any indigent person aggrieved by an order of the Probate Court who appeals such order to the Superior Court under the bill. The per diem cost to provide counsel for a hearing on a quarantine order is currently \$182. The potential cost would depend upon the number of hearings held. It is anticipated that the workload associated with these appeals could be handled by the Judicial Department without additional appropriations.

The bill provides that certain court fees may be waived for hearings held pursuant to a public health emergency if funds have not been appropriated in the Judicial Department for such purposes. This provision would result in a revenue loss to the probate court since it is unlikely that such funds would be budgeted in advance.

DUTIES OF THE ATTORNEY GENERAL

The bill allows the Commissioner of the Department of Public Health to ask the Attorney General to enforce through Superior Court any orders for quarantine, isolation, or vaccination. The caseload impact and subsequent cost is uncertain, pending the scope of any potential, future public health emergency. There could be a significant state cost for outside legal counsel, however, if the volume of additional appearances within the timeframes established under the bill were to exceed the capacity of the Attorney General's staff.

The bill requires the Attorney General to defend the state and individuals indemnified against lawsuits claiming personal injury, death, or damage to property resulting from actions taken during a public health emergency. It specifies that any person seeking recovery for personal injury, death or damage to property resulting from public health emergency activity shall present to the Office of the Claims Commissioner a claim against the state or any person indemnified under the bill. It is anticipated that any potential caseload increase resulting from this provision could be handled by the Attorney

General and the Office of the Claims Commissioner without additional appropriations.

House "A" requires the Commissioner of Public Health to establish a Public Health Preparedness Advisory Committee, and charges the Committee with the development of the plan for emergency responses to a public health emergency. It also makes the initial plan due no later than January 1, 2004, and sets up an annual reporting requirement. Under the original bill this plan was to be developed by the Commissioner in consultation with various persons and no reporting deadline was established. Eighteen members of the General Assembly are appointed to serve on the Advisory Committee. These changes may lead to a minimal cost to the Office of Legislative Management for additional mileage reimbursement.

The amendment clarifies the indemnity provisions in the bill, and provides for the waiving of probate court fees for hearings held pursuant to the bill. Waiver of the fees could result in a revenue loss to the probate court administration fund or a cost to the Judicial Department.

It also adds language requiring the Department of Public Health to adopt regulations regarding the distribution of potassium iodide by nursing homes, child day care services or youth camps. The agency can meet this requirement without the need for additional resources.

Finally, the amendment makes numerous technical and other changes that do not materially alter the fiscal impact associated with the original bill.

OLR Bill Analysis

sHB 6676 (as amended by House "A")*

AN ACT CONCERNING PUBLIC HEALTH EMERGENCY RESPONSE AUTHORITY.**SUMMARY:**

This bill strengthens the governor's, the Department of Public Health (DPH) commissioner's, and local health directors' powers to respond to public health emergencies. It:

1. authorizes the governor, subject to disapproval by legislative leaders, to declare a public health emergency and order the DPH commissioner to take certain actions;
2. authorizes the commissioner to quarantine, isolate, and vaccinate people during a public health emergency;
3. allows people to refuse vaccination for any reason, including on medical, religious, or conscientious grounds, and allows those who do so to be quarantined or isolated;
4. requires DPH to develop a public health emergency response plan, which legislative leaders must review before it is approved;
5. broadens local health directors' existing quarantine authority, but specifies that they must follow the commissioner's orders during a declared emergency;
6. allows the governor to seize anti-toxins and pharmaceutical or other biologic products when there is a shortage of these during a public health or civil preparedness emergency;
7. immunizes, state and local officials, and others against liability for damages from their actions or inactions during a public health emergency and requires the state to defend and indemnify them for their expenses;

8. allows DPH to suspend temporarily license requirements for out-of-state health professionals who work in Connecticut during a public health emergency; and
9. allows DPH to authorize people to register death certificates and carry out related duties during an emergency.

*House Amendment "A" (1) requires the commissioner to establish a Public Health Preparedness Advisory Committee to develop a plan to respond to a public health emergency, rather than develop the plan himself in consultation with legislators and others; (2) reduces the level of proof the commissioner must demonstrate at a hearing to contest his quarantine or vaccination order from clear and convincing to a preponderance of evidence; (3) waives fees for court hearings on such orders; (4) allows people to refuse a vaccination order for any reason, not just medical, religious, or conscience; (5) limits out-of-state professionals working in Connecticut during an emergency to working within the scope of their practice as defined by Connecticut law; (6) removes immunity for the state and towns for liability during a public health emergency; (7) requires the state to indemnify people who work on its behalf during an emergency; (8) allows for the distribution of potassium iodide; and (9) makes other changes.

EFFECTIVE DATE: Upon passage

GOVERNOR'S AUTHORITY

Declaring a Public Health Emergency (§§ 1 & 2)

The bill authorizes the governor to declare a statewide or regional public health emergency after he makes a good faith effort to inform legislative leaders (see below). He can do this when a communicable disease, other than a sexually transmitted disease, or contamination that poses a substantial risk of a significant number of human fatalities or permanent or long-term disabilities occurs or is an imminent threat. The disease or contamination must be caused by, or the governor must believe it is caused by, bioterrorism, an epidemic or pandemic disease, a natural disaster, or a chemical or nuclear attack or accident.

A communicable disease under the bill and current law is a disease or

condition that can be directly or indirectly passed or carried from a person or animal to another person or animal. Contamination occurs when a biological toxin or chemical, radioactive, or other substance is sufficient to pose a substantial risk of death, disability, injury, or harm to others.

The governor's declaration must state the nature of the emergency, the towns or geographic areas subject to the declaration, the conditions that create the emergency, how long it will last, and the public health authority responding to the emergency. A "public health authority" under the bill, is any person or entity authorized to respond under the emergency plan the bill requires the public health commissioner to prepare (see below). These could include local or district health directors and licensed health care providers.

The governor's declaration takes effect when it is filed with the secretary of the state and the House and Senate clerks. The bill allows six members of a 10-member legislative committee to vote to disapprove and nullify the declaration. The committee is comprised of the House speaker, Senate president pro tempore, the House and Senate majority and minority leaders, and the Public Health Committee's chairmen and ranking members. Their disapproval is effective only if they file it with the secretary of the state within the 72 hours after its initial filing. Under current law, a similar disapproval process applies when the governor declares a civil preparedness emergency.

The governor can terminate the declaration before its original end date if, after informing legislative leaders, he finds that the circumstances no longer pose a substantial risk of human death or disability. He can renew a declaration by following the process for initially declaring an emergency.

Orders Under A Declaration

When he declares a public health emergency, the governor can (1) order the DPH commissioner to implement all or part of the public health emergency response plan and vaccinate people and (2) authorize him to isolate or quarantine people. He can also apply for and receive federal help.

The governor must ensure that the declaration and any orders issued

pursuant to it are published in full at least once in a newspaper with general circulation in each county, provided to news media, and posted on the state's website. But failure to take any of these actions does not invalidate the declaration or orders.

The bill allows the DPH commissioner to ask the attorney general to apply to Superior Court for an order to enforce the commissioner's orders and to provide any other equitable relief it deems appropriate. It allows the commissioner to delegate some or all of his authority to a DPH employee or any local health director, who then acts as the commissioner's agent.

The bill subjects anyone who violates an order issued during a public health emergency to a \$ 1,000 fine, up to one year in prison, or both for each offense. It imposes the same penalties on anyone who intentionally obstructs, resists, hinders, or endangers any authorized person carrying out any provision of an order.

Seizing Pharmaceuticals and Other Property (§ 13)

Current law allows the governor to seize certain types of private property in short supply during a civil preparedness emergency. The bill allows him to seize antitoxins, pharmaceuticals, vaccines, or other biological products during a public health or civil preparedness emergency. It also allows him to seize land and buildings, vehicles, fuel, livestock and animals, and other property during a public health emergency.

DEPARTMENT OF PUBLIC HEALTH AUTHORITY

Public Health Emergency Response Plan (§ 8)

The bill requires the commissioner to establish a Public Health Preparedness Advisory Committee to develop a plan to respond to a public health emergency, which may include an emergency notification service. The committee consists of the commissioner; the six top legislative leaders; the chairmen and ranking members of the Public Health, Public Safety, and Judiciary committees; the Office of Emergency Management director; representatives of local and district health directors who the commissioner appoints; and any other organization or individuals that the commissioner deems relevant to

the effort. It must report annually, beginning by January 1, 2004 on the status of the emergency plan and the resources needed to implement it.

Quarantine and Isolation Authority (§ 3(a))

The bill authorizes the commissioner to quarantine or isolate people when the governor authorizes him to do so when he declares a public health emergency. (Local health directors already have this authority without an emergency declaration, see below.) The bill defines isolation as the physical separation and confinement of one or more people, singly, in groups, or in a geographic area, who (1) are infected with a communicable disease or are contaminated or (2) the commissioner reasonably believes are infected or contaminated. It defines quarantine as the physical separation and confinement of one or more people, singly, in groups, or in a geographic area, who are exposed to a communicable disease or are contaminated, or who the commissioner reasonably believes have been directly exposed or contaminated or have been exposed to others who have been exposed or contaminated. In all cases the action is taken in order to prevent or limit the transmission of the disease to the public.

The commissioner can order someone quarantined or isolated if he has reasonable grounds to believe (1) the person is infected with a communicable disease or is contaminated or has a reasonable risk of having a communicable disease or being contaminated or passing the disease or contamination to other people, (2) the person poses a significant threat to the public health, and (3) quarantine or isolation is needed and the least restrictive alternative to protect the public health. The bill bars isolating or quarantining anyone who does not meet these conditions.

Isolation and Quarantine Orders (§3 (c) & (d))

The commissioner's order must be in writing and contain (1) the name of the person or people to be quarantined or isolated or the geographic area where the communicable disease or contamination exists, (2) the basis for the commissioner's belief that a communicable disease or contamination exists in that area, (3) the duration of the isolation or quarantine, (4) where it will take place, and (5) other necessary terms and conditions. In determining the length of the order, the commissioner must consider, to the extent he knows it, the incubation

period of the disease or contamination, when the individual was exposed, and the person's risk of exposing others.

An order is effective for up to 20 days. Further orders for successive 20-day periods can be issued if this is done before the last business day of the confinement period. The order must inform the people affected (1) that they have a right to consult an attorney and have a court hearing; (2) how to ask for a hearing; and (3) that if they ask for a hearing, they have the right to counsel, which the state will pay for if they cannot afford it, and court fees will be waived. Each person affected must receive a copy of the order, or a notice must be provided by a means most likely to reach him.

Isolation and Quarantine Conditions (§ 3(b)& (e); § 5)

The bill requires the commissioner to adhere to the following conditions and principles when he isolates or quarantines anyone or any group.

1. The isolation or quarantine must be by the least restrictive means needed to prevent the spread of the disease or contamination to others. It may include confinement in private homes or other private or public places.
2. People who are quarantined must be separated from those isolated.
3. The health status of people in quarantine and isolation must be monitored frequently to determine if they need to stay there.
4. If someone in quarantine becomes infected or contaminated or is reasonably believed to have become so, he must be isolated promptly.
5. People in quarantine or isolation must be released immediately when they are no longer infectious or capable of contaminating others or when a court orders their release.
6. The needs of people in isolation or quarantine must be addressed systematically and competently. This includes providing them with adequate food, clothing, shelter, medication and competent medical care, and a way to communicate with others.

7. The places used for isolation or quarantine must be kept hygienic and safe. They must be designed to prevent further disease transmission.
8. Family and household members and guardians and their wards must be kept together to the extent possible.
9. Cultural and religious beliefs must, to the extent possible, be considered in establishing and maintaining isolation and quarantine sites and in addressing the needs of people placed there.

Isolation or quarantine must be in a place the commissioner determines. It continues until he determines the person is no longer infectious or capable of infecting others or is released by court order. A person wanting treatment by prayer or spiritual means through principles and teachings of an incorporated church and without the use of drugs or material remedies, or through any other religious or spiritual practice, may receive such treatment during confinement.

Only individuals the commissioner authorizes can enter a quarantine or isolation site. These can include physicians; other health care providers; or other people, including family and household members, he decides are needed to meet the needs of the confined people.

Appealing Orders (§ 3 (f)-(m))

A person ordered into quarantine or isolation has the right to a probate court hearing to contest the order. The bill applies existing due process procedures governing appeals of municipal health directors' confinement orders to appeals of the commissioner's orders. These include (1) notice requirements, including notice of the respondent's right to counsel and to cross-examine witnesses; (2) the process by which counsel is appointed for indigent respondents and compensated; (3) the respondent's right to access all records; and (4) procedures that apply if the respondent is hospitalized when the hearing occurs.

The hearing must be held in the probate court where the person is isolated or quarantined. It must occur within 72 hours after the court receives his written request (excluding weekends and holidays), which may include submission by mail, fax, or the Internet. The Judicial Department must pay the court fees for the hearing, but if no funds

have been budgeted for this purpose, the court must waive the fees. The request does not stay the confinement order. The bill makes the commissioner a party to the proceeding. If an individual could infect or contaminate others, the hearing can be held by any means that allow all the parties to participate fully. If the individual cannot appear personally, the hearing can take place only if his attorney is present. The bill also allows the court to extend the hearing for extraordinary circumstances.

The hearing must determine if (1) the person is (a) infected with a communicable disease or contaminated, (b) reasonably believed to have been exposed to such a disease or contamination, or (c) at reasonable risk of having a communicable disease, of having been contaminated, or of passing the disease or contamination to other people; (2) the person poses a reasonable threat to the public health; and (3) quarantine or isolation is needed and is the least restrictive alternative to prevent the spread of disease or contamination and protect the public health. The commissioner must show by a preponderance of the evidence that these conditions are met.

If a person appealing the order is indigent, the bill, following current law for appealing municipal health directors' orders, establishes a process for an attorney to be appointed for him. Under current law, the Judicial Department pays for such attorneys, but the bill permits payment from the Probate Court Administration Fund, if the Judicial Department budget does not include funds for court-appointed attorneys in these cases. When an order applies to people in a designated geographic area, the bill allows the court to authorize one or more attorneys to represent them all when they have a common interest. But in this circumstance, an individual can choose to be represented by his own lawyer.

As under current law, the bill gives the individual and his attorney access to all records before the hearing, including the individual's hospital records. The bill gives the commissioner access to these and allows the parties to take notes from these records. Under the bill, if any party requests it, all records related to the person's condition must be admitted at the hearing.

The bill requires the court to record the hearing. A transcript must be made if someone appeals. It must be made available for free to an indigent appellant. In such cases, the Judicial Department pays for the

transcript, unless its budget does not include funds for this purpose, in which case the Probate Court Administration Fund must pay.

If the court finds that the above three conditions are met (i.e., reasonable risk of disease or contamination, reasonable threat to public health, and confinement is needed and the least restrictive alternative), it must:

1. order continued confinement under terms and conditions it finds necessary to prevent exposing others until the time the commissioner determines that the person's release would not pose a reasonable threat to public health or
2. release the person under terms and conditions it believes appropriate to protect the public health.

The court must order the person's immediate release if the conditions required for a confinement order are not proven.

The bill permits a person who is quarantined or isolated to ask the probate court every 30 days to modify or terminate its order. After a hearing, the court can continue confinement; modify it if it finds that, although the conditions for confinement still exist, a different remedy is appropriate; or order the person's release if it finds that conditions for the confinement no longer exist. The same process is available under current law to people the court quarantines or isolates after a municipal health director's order.

The bill permits anyone aggrieved by a probate court decision to appeal to Superior Court. The appeal is confined to the record, that is, the transcript and any evidence the probate court received or considered.

Enforcing Orders (§ 4)

The bill allows the commissioner to direct law enforcement officers to quarantine or isolate anyone who refuses to obey his confinement order during a public health emergency. He must notify these officers and others about any infection control procedures they may need.

Vaccinations (§ 6)

The bill authorizes the commissioner to issue vaccination orders if the governor authorizes him to do so when he declares a public health emergency. The commissioner can order vaccinations for people, including those who were present in a specific geographic area, as he deems reasonable and necessary to prevent the introduction or stop the progress of the disease or contamination that caused the emergency. He must inform those subject to vaccination orders (1) of the vaccine's benefits and risks and (2) that they can refuse the vaccination for any reason, including health, religious, or conscientious reasons. Adults, and parents or guardians for minor children, must give written consent before they or the children are vaccinated.

If a person or group cannot or will not be vaccinated, the bill allows the commissioner to order them into quarantine or isolation, as appropriate. A parent may refuse vaccination on behalf of a child under age 18. But refusing vaccination is not grounds for confinement without a reasonable belief that the individual or group poses a reasonable threat to public health because they (1) are infected or contaminated; (2) may be, have been, or become exposed to the disease or contamination; or (3) are at reasonable risk of having a communicable disease or having been contaminated. The bill appears to require such people to meet its other test for quarantine and isolation, that is, the commissioner must determine they pose a significant public health threat, and confinement must be the least restrictive alternative for protecting public health.

A person can appeal a vaccination order to the probate court within 48 hours after receiving it by submitting a written request, which can include mail, fax, Internet, or other means, and the court must hold the hearing within 72 hours of receiving his request. As with the quarantine hearing, the Judicial Department must pay the court fees unless no funds have been budgeted for this purpose, in which case the court must waive the fees.

The bill allows the commissioner to ask the court to extend the time for the hearing based on extraordinary circumstances. (The court may do this on its own in quarantine and isolation appeals.) In deciding whether to grant the extension, the court must consider the rights of those affected by the order, the public's health, the severity of the need, and the availability of witnesses and evidence.

The bill gives people appealing the same due process rights as it gives

those who appeal quarantine and isolation orders. It also applies the same due process procedures on (1) notice, (2) hearing extensions, (3) access to hospital and other records, (4) appointment and payment of counsel for indigent people, (5) appointment of attorneys to represent groups in a geographic area, and (6) recording and transcribing hearings. In addition, the bill allows appellants to present testimony from any licensed healing arts practitioner.

At the hearing, the commissioner has the burden of showing by a preponderance of the evidence that the individual was present in a specific geographic area, and vaccination is reasonable and necessary to prevent the introduction or stop the progress of the disease or contamination that caused the emergency. The court must order the vaccination, or confinement for those who are unable or refuse to be vaccinated, if it finds vaccination is needed and the least restrictive way to protect the public health. If it does not find this, it must vacate the vaccination order.

The bill permits anyone aggrieved by the probate court's decision to appeal to Superior Court. The appeal is confined to the record, that is, the transcript and any evidence the probate court received or considered.

Administering Vaccinations (§ 7)

During a public health emergency, the bill allows the commissioner to authorize any qualified person, including dentists, veterinarians, and paramedics, to administer vaccinations if he determines this is needed to protect the public's health, safety, and welfare. (Physicians, nurses, and physicians' assistants are also qualified to administer injections.) His authorization must be written, specify how long it lasts, and contain the categories of people covered and any additional training they need before administering vaccinations.

Registering Deaths (§ 9)

In a public health emergency, the bill allows the commissioner, in consultation with the chief medical examiner, to designate people to register death certificates as needed and perform other related duties, including issuing burial transit, removal, and cremation permits. These are functions normally performed by local registrars of vital statistics.

Out-of-State Health Care Providers Allowed In Emergency (§ 11)

The bill allows various health care practitioners licensed, certified, or registered in another state, territory, or the District of Columbia to work in Connecticut during a declared emergency. They can work only within the scope of their practice as permitted by Connecticut law. The bill allows the commissioner to suspend, for up to 60 days, state licensing, certification, or registration requirements that apply to them. The bill covers emergency medical personnel, physicians and physician assistants, physical therapists, nurses and nurses' aides, respiratory care practitioners, psychologists, marital and family therapists, clinical social workers, professional counselors, paramedics, embalmers and funeral directors, sanitarians, asbestos contractors and consultants, and pharmacists.

The bill specifies that it does not protect these practitioners from liability for damages for deaths or injuries that result from their acts or omissions during the ordinary course of their work.

IMMUNITY FROM LIABILITY (§ 10)

The bill applies existing state statutes governing the immunity from personal liability of state officials and employees and the duty of the state to defend and indemnify them for the costs of their defense to anyone who acts within the scope of his practice on behalf of the state during a declared public health emergency. It does not cover out-of-state providers rendering temporary assistance.

Existing law immunizes state officers and employees against personal liability for damage or injury caused while discharging their duties or in the scope of their employment as long as they did not act wantonly, recklessly, or maliciously. It indemnifies them against financial loss or expenses arising from a negligence or civil rights claim against them and requires the attorney general to defend them.

LOCAL HEALTH DIRECTORS' AUTHORITY (§ 12)

Municipal health directors currently have the authority to confine people; the bill extends this authority to district health directors. It specifies that in a declared public health emergency, municipal and district directors must comply with the public health commissioner's

orders. But their authority applies even if the governor has not declared an emergency. The bill establishes parallel processes for ordering and contesting quarantine and isolation orders: one that operates during a declared emergency, the other when a health director acts on his own.

Under current law, a health director can confine someone he reasonably believes to be infected with a communicable disease or who constitutes a radiation hazard, if he determines the person poses a substantial public health threat and confinement is needed to protect public health. The bill replaces the reference to radiation with the more general term, contamination. It changes the general and previously undefined term “confinement” to quarantine and isolation, and gives them the same meaning as they have during a public health emergency. And, by eliminating the existing restriction on directors’ confinement authority to cases where people are unable or unwilling to behave in a way so as not to expose others to danger, the bill allows directors to isolate or quarantine a person whenever conditions warrant it, regardless of the person’s behavior.

The bill applies the law’s current requirements for directors’ confinement orders to isolation or quarantine orders and generally makes them parallel to the orders the bill permits the commissioner to issue during a public health emergency. It extends, from 15 to 20 days, the period for which an order can be effective, and similarly extends the duration of further confinement orders.

The bill applies to local directors’ decisions the same conditions for isolation and quarantine that apply when the public health commissioner confines people. It also makes most of the notice, hearing, and other due process rights and procedures that currently apply to appeals of orders directors issue when there is no declared emergency parallel those it establishes for public health emergencies. But the two processes are not identical. The following are the principal differences between them.

1. The hearing on a local director’s order is to determine whether a person poses a substantial, rather than a reasonable, threat to public health.
2. The probate court in the appeal of a local director’s order appoints a three-judge panel only if the respondent requests this. Current

law requires three probate judges to hear an appeal from a confinement order.

3. Such a hearing cannot be extended under extraordinary circumstances, nor does the bill prohibit holding a hearing if the respondent or his attorney is not present.
4. The parties do not have specific authorization to ask that all records relating to the respondent be admissible.
5. The court does not have to record the hearing or transcribe it for appeals, and an appeal to Superior Court is not limited to the record.
6. There is no limit on the frequency (once every 30 days during an emergency) with which a person can ask the court to modify or terminate a local director's isolation or quarantine order.
7. Alternative treatment during isolation or quarantine does not extend to unincorporated religions and other spiritual practices.

ISSUING POTASSIUM IODIDE

The bill allows the commissioner in a public health emergency to authorize nursing homes, child day care centers and group and family day care homes, and youth camps to provide potassium iodide (which prevents or decreases the likelihood of developing thyroid cancer following exposure to radiation) to their residents, clients, staff, and others present. The facility can do this if:

1. it has obtained prior written permission for this from the individual, or a parent or guardian for a minor, and
2. each person providing permission has been advised in writing that taking the potassium iodide is voluntary and about the contraindications and potential side effects of taking it.

The bill requires the commissioner to adopt regulations establishing criteria and procedures for obtaining written permission and for storing and distributing the potassium iodide.

BACKGROUND

Legislative History

On April 30, the House referred the bill (File 534) to the Judiciary Committee, which reported it without change on May 6. The House referred it to the Government Administration and Elections Committee on May 19, which reported it favorably without change on May 21.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 22 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 34 Nay 1

Government Administration and Elections Committee

Joint Favorable Report

Yea 17 Nay 0